

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ryan et al.

Serial No.: 09/913,425

International Filing Date: February 17, 2000

International App. No. PCT/GB00/00573

For: AN AUTOMATED SYSTEM FOR EXCISING PROTEINS
FROM TWO-DIMENSIONAL ELECTROPHORESIS GELS

Commissioner for Patents
Box PCT
Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. § 1.47

Dear Sir:

1. I, Mr. David Byatt, currently hold the position of Managing Director at Genomic Solutions Limited and am a co-inventor on the above-identified application. I am over the age of 18. I have personal knowledge with respect to the matters set forth below.

2. On October 22, 2001, a letter was sent to Dr. Kevin Auton at his last known work address of NextGen Sciences, Ltd, Alconbury North Airfield, Bldg. 56, Alconbury, Huntingdon, Cambridgeshire, UK, PE28 4DA, requesting that he execute the Power of Attorney for the above-identified application, as shown in paragraph 3 of the letter. A copy of the October 22, 2001 letter, as well as a copy of the Combined Declaration and Power of Attorney form sent to Dr. Auton is attached as Exhibit 1.

3. On October 29, 2001, the undersigned personally contacted Dr. Auton at his work address by telephone. Dr. Auton informed the undersigned that he had received the October 22, 2001 letter. The undersigned explained the necessity of receiving Dr. Auton's assistance with respect to execution of the Power of Attorney. Dr. Auton indicated that he would not sign the Power of Attorney.

4. On November 6, 2001, the undersigned again personally attempted to contact Dr. Auton at his work address by telephone. Dr. Auton was "unavailable to talk to" the undersigned. The undersigned again explained to Dr. Auton's Personal Assistant, Hazel

Paul E. Fenn
Notary Public

Jeffrey, the necessity of receiving Dr. Auton's assistance with respect to execution of the Power of Attorney.

5. On November 20, 2001, the undersigned had a meeting with Paul Ryan, another inventor on this application. At that meeting, Mr. Ryan stated he had recently met with Dr. Auton and Dr. Auton had indicated that he would not sign the Power of Attorney.

6. On December 11, 2001, a second letter, including a copy of the above identified application and a Power of Attorney, was sent to Dr. Auton's last known home address of 42 Croftfield, Godmanchester, Cambridgeshire PE18 8ED, via Royal Mail Inland Recorded Delivery (ref. RT 3040 4379 5GB), requesting that he execute the enclosed Power of Attorney after reviewing the above-identified application, as shown in paragraph one of the letter. A copy of the December 11, 2001 letter sent to Dr. Auton is attached as Exhibit 2.

7. Dr. Auton was not at his home address and could not take delivery, the Royal Mail Inland Recorded Delivery Service left documentation at the address advising Dr. Auton that he should contact them to arrange delivery.

8. On December 13, 2001, the undersigned personally attempted contact with Dr. Auton at his work address by telephone. Dr. Auton was unavailable. The undersigned again explained to Dr. Auton's personal assistant, Hazel Jeffrey, the necessity of receiving Dr. Auton's assistance with respect to execution of the Power of Attorney.

9. On December 17, 2001, the undersigned personally attempted contact with Dr. Auton at his work address by telephone. Dr. Auton was unavailable. Hazel Jeffrey was also unavailable.

10. The undersigned has personally contacted Royal Mail Inland Recorded Delivery on December 12, 2001 and also on December 17, 2001 to ascertain that Dr. Auton has taken delivery of the December 11, 2001 letter and Power of Attorney. Dr. Auton has not contacted the Royal Mail Inland Recorded Delivery to arrange delivery and the package remains in the depot.

11. On December 18, 2001, the undersigned personally contacted Royal Mail Inland Recorded Delivery to ascertain that Dr. Auton has taken delivery of the December 11, 2001 letter and Power of Attorney. Royal Mail Inland Recorded Delivery confirmed that Dr. Auton has taken delivery on December 17.

12. On December 18, 2001, the undersigned personally contacted Dr. Auton at his work address by telephone. Dr. Auton informed the undersigned that he had received the December 11, 2001 letter and Power of Attorney. The undersigned explained the necessity of

John E. Fenn
Notary Public.

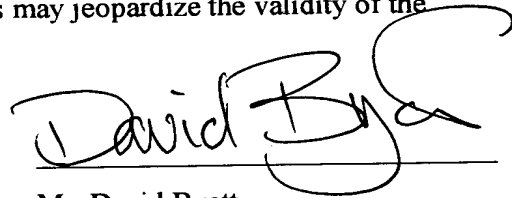
receiving Dr. Auton's assistance with respect to execution of the Power of Attorney. Dr. Auton indicated that he would not sign the Power of Attorney.

13. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

January 4, 2002

~~December 18, 2001~~

Date 4 January 2002



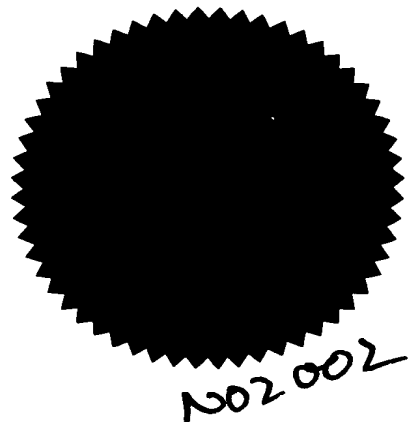
Mr. David Byatt

Subscribed and sworn to me this 4th day of January 2002 ~~December, 2001~~.

Notary Public

John F. Lee
Notary Public
Saint Ives, Cambridge
England.

David William Byatt
identified by UK
Passport No 009072107



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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION	Attorney Docket No.	65446-0082
	First Named Inventor	Paul Thomas Ryan, et al..
	COMPLETE IF KNOWN	
	Application No.	
	Filing Date	
	Group Art Unit	
Examiner Name		

☐ Declaration
Submitted with or
initial filing

☐ Declaration
Submitted after
initial filing

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (only if one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**An Automated System For Excising Proteins From
Two-Dimensional Electrophoresis**

(Title of the Invention)

the specification of which

☐ is attached hereto
or

☒ was filed on 17/Feb./2000, as United States Application Number or PCT International Application Number: PCT/GB00/00573 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YY)	Priority Not Claimed	Certified Copy Attached	
				YES	NO
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number (s)	Filing Date (MM/DD/YY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.
60/120,471	17/Feb/1999	

Please type a plus sign in this box:

+

PTO/SB/01 (3-97)

Approved for use through 6/30/98. OMB 0651-0032
Patent and Trademark Office; US DEPARTMENT OF COMMERCE

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DECLARATION - Utility Or Design Patent Application

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the matter provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S Parent Application Number	PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

☒ Customer Number **010291**

Or

☐ Registered practitioner(s) name/registration number listed below

Place Customer
Number Bar Code
Label Here

Name	Registration Number	Name	Registration Number
JAMES F. KAMP	41,882		

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to ☒ Customer Number 010291 or ☐ Correspondence Address below or Bar Code Label

Name	James F. Kamp, RADER, FISHMAN & GRAUER, PLLC		
Address	39533 Woodward Avenue, Suite 140		
City, State, Zip	Bloomfield Hills, Michigan 48304		
Country	US	Telephone	248-594-0656
		Fax	248-594-0610

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor	<input type="checkbox"/> A petition has been filed for this unsigned inventor
Given Name (first and middle [if any])	Family Name or Surname
KEVIN	AUTON

Inventor's Signature					Dated		
Residence: City	Huntingdon	State	Cambridgeshire	Country	U.K.	Citizenship	U.K.
Post Office Address	42 Croftfield Rd., Godmanchester, Huntingdon, Cambridgeshire, PE29 2ED, U.K.						
City		State		Zip		Country	UK

☐ Additional inventors are being named on the _____ supplemental additional inventor(s) sheet(s) PTO/SB/02A attached hereto.

Name of Inventor	<input type="checkbox"/> A petition has been filed for this unsigned inventor
Given Name (first and middle [if any])	Family Name or Surname
PAUL THOMAS	RYAN

Inventor's Signature					Dated		
Residence: City	Huntingdon	State	Cambridgeshire	Country	UK	Citizenship	U.K.
Post Office Address	74 Owl End Gt. Stukeley, Huntingdon, Cambridgeshire PE17 5AQ, U.K.						
City		State		Zip		Country	U.K.

☐ Additional inventors are being named on the _____ supplemental additional inventor(s) sheet(s) PTO/SB/02A attached hereto.

Name of Inventor	<input type="checkbox"/> A petition has been filed for this unsigned inventor
Given Name (first and middle [if any])	Family Name or Surname
DAVID	BYATT

Inventor's Signature					Dated		
Residence: City		State	Cambridgeshire	Country	UK	Citizenship	U.K.
Post Office Address	26 The Paddock, Eaton Ford, St. Neots, Cambridgeshire PE19 35A, U.K.						
City		State		Zip		Country	U.K.

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